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REMARKS/ARGUMENTS

Original claims 1-11 remain in the application.

Claims 12 and 13 were canceled without prejudice in the previous response.

Claims 1-11 have been rejected in this Office Action.

Summary of the March 10, 2008, interview between Examiner Tran and Larry Shrout.

The Examiner's 35 U.S.C. §112, second paragraph, rejection of claims 1-5, 9 and 10 was discussed. The rejection of independent claims 1 and 5 was discussed for clarification of the Examiner's suggested wording to overcome the rejection. The rejection of independent claim 9 was discussed in detail to clarify how the locking member (comprised of tab 222 and resilient member 224) can be secured in spaced relation to the wall 112 and still have a first end fixedly attached to the wall as shown in Figure 3. It was explained to Examiner Tran that only the first end of resilient member 224 is fixedly attached to a ledge 210 protruding from and being an integral part of the wall, while the rest of the resilient member, including the tab, is spaced apart from the wall by the width of the ledge. The Examiner's 35 U.S.C. §103(a) rejection of claims 1-11, based on Uchida in view of Madock was also discussed. It was explained to Examiner Tran that modifying Uchida to include the teaching of Madock would require placing slots in the side walls 14a of Uchida's arc quenching device to produce the resilient locking and stopping members taught by Madock. Such slots would permit hot ionized gasses resulting from circuit interruption to pass through the housing walls. The escaping gasses can cause phase-to-ground or phase-to-phase arcing, which can result in significant equipment damage, facility damage and/or possible injury to any person in the immediate vicinity.

Claims 1-5, 9 and 10 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 1 and 5 have been amended as suggested by the Examiner in the Final Office Action to overcome this rejection. Independent claim 9 has been amended, as discussed in the interview of March 10, 2008, to more clearly define the attachment of the first end of the resilient member. Claim 9 now reads "a first end fixedly

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attached to a ledge protruding from said first wall". This amendment is consistent with the description found in original claims 3 and 5. Claims 1, 5 and 9, as amended herein, are believed to overcome the Examiner's 35 U.S.C. §112, second paragraph rejections.

Claims 1-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida et al. in view of Madock.

The Examiner has suggested that Uchida et al. discloses all of the claimed elements except for a locking member secured in spaced relation to the first wall and including a resilient member and a tab, the resilient member having a first end fixedly attached to the first wall and a second end connected to the tab, which has an inside face in contact with the arc plate; and a back stop member secured in spaced relation to the first wall, the stop member being resilient and deformable when in contact with the arc plate.

Applicant contends that Uchida et al. does not teach all of the claimed elements except the locking member and back stop member as suggested by the Examiner. Uchida does not teach or suggest securing ledges protruding from the support members as claimed. The common definition for "protrude" is: to stick out, jut, project, extend beyond. Uchida does teach slots 15, molded into the sidewalls 14a. From Uchida's Figures 1, 7A, 9A, 10, 16 and 17, it is clearly seen that his slots 15 are fully defined within the thickness of his side walls 14a. Uchida discusses the benefit of having thicker sidewall with deeper slots to more completely cover the arc plate sides in column 6, lines 56-62 and column 7, lines 9-14. Figures 1 and 3 of the present application clearly show that the securing ledges 210 are not defined within the thickness of support members 112, but do protrude from the support members as claimed. Uchida's slots do not meet this claimed requirement. Further, the ends of Uchida's slots 15, as seen in Figures 1, 4, 7B, 9B, 10 and 14, are formed in the sidewalls 114, and define what could be considered his stop members. Since they are defined in the sidewalls they can not be resilient and deformable as claimed. Therefore, Uchida does not teach or suggest all of the claimed elements and their restrictions as suggested by the Examiner.

The Examiner has further suggested that Madock teaches those claimed elements not disclosed by Uchida and that it would have been obvious to one having skill in the art at the time

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the invention was made to modify Uchida by incorporating the integrally molded stop (spring 104) and locking members (retaining member 106) of Madock to produce the claimed invention. As discussed with Examiner Tran in the interview of March 10, 2008, the stop members and locking members of Madock require slots 110 and 112 through the housing wall 12 on both sides of the spring 104 and retainer 106 to permit their resilience (Col. 3, lines 18-23 and Fig. 1). To conform with the teaching of Madock, these slots would be required in the sidewalls 14a of Uchida's housing. Since Uchida specifically teaches that his housing walls 14a should be thick (column 6, lines 56-62 and column 7, lines 9-14), it is doubtful that adding slots would provide much resilience if any for the stop and locking members. Any stop and/or locking member formed in Uchida's wall 14a by this method would be a weak link, which could easily break under the high gas pressures developed inside the arc housing by arcing during circuit interruption. In any case, this modification would prohibit proper operation of the arc housing by permitting hot ionized arc gases to escape through the slots formed in the side walls 14a. In a single phase or single disconnect housing this could cause a phase-to-ground arc resulting in significant damage to the disconnect device or an explosion. In a multi-phase arc plate housing this would cause cross-phase arcing resulting in an explosion that would destroy the housing and possibly damage surrounding components. Therefore, the Examiner's suggested modification of Uchida to include the resilient stop and lock of Madock would produce a device that is no longer safe for its intended use. The Examiners obviousness rejection does not meet the requirements of M.P.E.P. 2143.01 V., which states "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F2d 900, 221 USPQ 1125 (Fed. Cir. 1984)." In the present application, the stop members 218 and locking members 222/224 are attached to the side walls 112 and 114, in a manner that allows them to be spaced apart from the side walls 112 and 114. This configuration permits portions of the stop member and locking member to remain sufficiently resilient that the arc plates 402 can be locked between them. The claimed configuration also does not require any penetrations of the side walls and therefore maintains the integrity of the arc housing. Also, Applicant believes that one skilled in the art at the time of the invention would have been aware of the arguments above and would not have seen any reasonable expectation of success in the Examiners proposed combination.

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Therefore, there is significant reason for a conclusion that the present invention is not obvious in view of Examiner's the suggested combination of Uchida and Madock based on M.P.E.P.

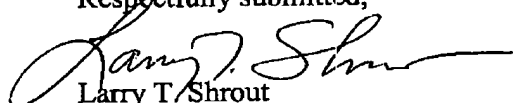
2143.02 II., which states "Obviousness does not require absolute predictability, however, at least some degree of predictability is required. Evidence showing there was no reasonable expectation of success may support a conclusion of nonobviousness."

The Examiner has also stated two reasons for his suggested combination of Uchida and Madock. First, referring to Madock Col. 4, lines 31-34, the Examiner has suggested that it would substantially reduce the cost of manufacturing the housing. Madock specifically teaches in Col. 4, lines 31-34, that "because the two side walls 13 and 14 have the same configuration, they may be formed from the same mold thereby substantially reducing the cost of manufacturing the holder 10." This is not a suggestion that any combination of parts into one integral part will substantially reduce manufacturing cost. Further, if a mold could be designed to make an integral arc plate housing from the Examiner's suggested combination, it would be extremely expensive due to the many complex pulls required to remove the finished part from the mold. Second, referring to Madock Col.1, lines 39-42, the Examiner has suggested that the locking members of Madock would allow "partial ejection of the arc plate from the housing so that it may be easily grasped by a user". The purpose of the arc plate housing is to confine the arc plates such that they are not easily dislodged or removable once installed. Uchida teaches in column 6, lines 28-31 that the arc plates are thicker than the width of the slots and are pushed into the slots under pressure. In column 7, lines 33-43 Uchida teaches nails (projections on the sides of the arc plates) that "bite into the bottoms of the slots 15" as the arc plates are pushed into the slots under pressure. This does not in any way suggest that Uchida would want to have "partial ejection of the arc plate from the housing so that it may be easily grasped by a user". Further, one skilled in the art would understand that any partial removal of the arc plates would be unacceptable and dangerous. Although partial removal is a desirable feature for Madock, it is an unacceptable occurrence for Uchida and the present application. Any motivation to modify the base invention should provide a desirable outcome, not an undesirable one. Applicant contends that there is no suggestion for the Examiner's combination in either Uchida or Madock, and further, that the device of Uchida, when modified by the teaching of Madock would produce a device that is no longer suitable its intended purpose.

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In view of the amendment to Claims 1, 5 and 9, and the arguments provided above, it is believed that the above-identified patent application is in a condition for the issuance of a Notice of Allowance. Such action by the Examiner is respectfully requested. If, however, the Examiner is of the opinion that any of the drawings or other portions of the application are still not allowable, it will be appreciated if the Examiner will telephone the undersigned to expedite the prosecution of the application.

Respectfully submitted,


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